

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number 09-20421-BC
Honorable Thomas L. Ludington

v.

D-1 JUAN LUIS MONTOYA-PEGO,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY, AND TAKING THE RULE 11 PLEA
AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on December 22, 2009, by United States Magistrate Judge Charles E. Binder pursuant to Defendant's consent. The magistrate judge issued his report on December 23, 2009, recommending that this Court accept Defendant's plea of guilty to count one of the indictment. On February 16, 2010, an amended Rule 11 plea agreement [Dkt. # 39] was filed, correcting the factual basis for Defendant's guilty plea to be consistent with Defendant's statements at the plea hearing. As of today's date, the parties have not elected to file any objections to the magistrate judge's report and recommendation. The decision not to file objections to the report and recommendation releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 29] is **ADOPTED**.

It is further **ORDERED** that the defendant's plea of guilty to count one of the indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 39] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: February 23, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 23, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS